

1 Plaintiff, United States of America, by and through Michael C. Ormsby,
2 United States Attorney for the Eastern District of Washington, and Stephanie Van
3 Marter, Assistant United States Attorney for the Eastern District of Washington,
4 hereby submits the following Proposed Case Management Order pursuant to the
5 Court's request at the recent pretrial conference (*See Minutes*, ECF No. 356).

6 On Friday March 3rd, Defense counsel emailed to the assigned AUSA
7 States a proposed joint scheduling order to which the United States objected. In
8 an effort to resolve the disputed matters, the United responded that it would
9 prepare and email a revised draft to counsel which was done Monday morning,
10 March 6, 2017. Despite the United States' effort to propose a joint scheduling
11 Order, defense counsel filed their proposed scheduling order over our objection
12 and without advising the United States. The United States hereby proposes this
13 scheduling order to preserve its position and for discussion at the next Pre-trial
14 conference:

- 15 • Pre-Trial Conference: April 25, 2017- Discovery related issues.
16 Therefore, any pre-trial discovery motions be filed two weeks prior
17 to this PTC conference date.
- 18 • Pre-Trial Conference: June 27, 2017- Case status and any additional
19 discovery related motions. Any additional pre-trial discovery
20 motions be filed two weeks prior to this PTC conference date.
- 21 • Pre-Trial Conference: August 29, 2017- Substantive motion
22 hearings- any substantive pre-trial matters be filed three weeks prior
23 to this proposed PTC conference date, responses due 10 days after
24 filing. If a hearing is anticipated, notify the Court as to length and
25 potential witnesses two weeks prior to PTC conference date.
- 26 • Final Pre-Trial Conference: October 10, 2017- Trial related matters
27 and *Daubert* related issues- Trial related motions in limine or

exclusion motions to be filed three weeks prior to this PTC date. If a hearing is anticipated, notify the Court as to length and potential witnesses two weeks prior to PTC conference date.

- Rule 16 expert summaries: The parties are not in agreement as to the deadline for proposed Rule 16 expert materials. Per prior case management orders, this Court typically requires these materials due four weeks prior to the pre-trial conference and any objections to be filed two weeks prior to the pre-trial conference. However, in this case the parties agree a standard order may not be appropriately applied here. The parties therefore propose that this issue along with CI disclosures be addressed at the April 25, 2017 Pre-Trial conference.
- Deadline to disclose CIs' identities and willingness to be interviewed: The parties are not in agreement as to this deadline. The parties therefore propose that this issue be addressed at the April 25, 2017 Pre-Trial conference.
- Disclosure of Grand Jury transcripts: As the United States indicated to the parties, a number of cooperating Defendants testified before the grand jury in this matter. The United States also presented a power point to aid the grand jury in this matter. The United States intends to disclose the power point *redacted*¹ in discovery to counsel. The United States proposes to address the additional transcript disclosure at the next pre-trial conference as it will likely depend on CI disclosure deadlines.

¹ The United States will disclose this material redacted because the PowerPoint does identify by name and photo several cooperating defendants. Should those individuals end up testifying in trial, the United States will provide an un-redacted copy prior to trial dependent upon disclosure deadlines set by the court.

- Exhibit and Witness Lists: The parties propose these be provided one week prior to trial;
- Trial briefs, jury instructions, verdict forms, and requested voir dire: The parties propose these be provided one week prior to trial;
- Exhibit binders: The parties propose binders be provided the Friday before trial;
- JERS-compatible digital evidence: The parties propose this be accomplished one week prior to trial;
- Technology readiness meeting: The parties propose this meeting occur the Friday before trial.

DATED this 6th day of March 2017.

Michael C. Ormsby
United States Attorney

s/Stephanie Van Marter

Stephanie Van Marter
Assistant United States Attorney

CERTIFICATION

I hereby certify that on March 6, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following, and/or I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant(s):

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s/Stephanie J. Van Marter

Stephanie Van Marter
Assistant United States Attorney